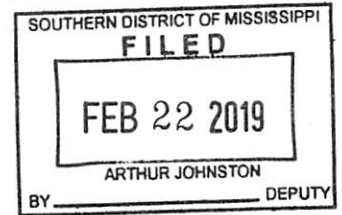


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



ERNZ PIERRE-LOUIS

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 3:19cv143-HTW-LRA

FAMILY DOLLAR STORES, INC., DOLLAR TREE
STORES, INC. & NOEL G. MULLINS

DEFENDANTS

COMPLAINT FOR DAMAGES
(Jury Trial Requested)

NOW COMES plaintiff, Ernza Pierre-Louis, a person of the full age of majority, and a resident of Coconut Creek, Florida, and represents as follows:

1.

Named defendants herein are the following:

- a) Family Dollar Stores, Inc., a Mississippi corporation with its principal office address in North Carolina, which may be served through its registered agent, The Prentice-Hall Corporation System, Inc., 7716 Old Canton Road, Suite C, Madison, Mississippi (or wherever its agent may be found) and/or through its registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware (or wherever its agent may be found);
- b) Dollar Tree Stores, Inc., (d/b/a Family Dollar Stores), a Virginia corporation with its principal office address Virginia, which may be served through its registered agent, Corporation Service Company, 7716 Old Canton Road, Suite C, Madison, Mississippi (or wherever its agent may be found); and
- c) Noel G. Mullins, a person of the full age of majority and a resident of Pearl, Mississippi, who may be served at 518 Patrick Farms Drive, Pearl, Mississippi (or wherever he may be found).

2.

Venue is established based upon the fact that the collision which is the subject of this lawsuit occurred within this judicial district, and jurisdiction is established under Title 28,

Section 1332 of the United States Code based on the diversity of citizenship between the parties and further upon the grounds that the amount in controversy for plaintiff exceeds \$75,000, exclusive of interest and costs.

3.

On or about April 12, 2016, plaintiff, Ernzt Pierre-Louis was traveling south on Mississippi Highway 475 in Pearl, Mississippi, when suddenly and without warning the defendant, Noel G. Mullins made a left turn in front of the plaintiff's vehicle, causing a violent collision.

4.

The aforesaid collision occurred through no fault of the plaintiff; rather, the collision was caused solely by the fault and negligence of the defendant, Noel G. Mullins, based on the following acts and omissions:

- a. Failure to see what should have been seen;
- b. Failure to yield;
- c. Operating one's vehicle at an excessive rate of speed;
- d. Inattention;
- e. Failure to keep a proper lookout for other traffic;
- f. Failure to maintain the proper degree of control of the vehicle;
- g. Violation of applicable local, state and federal highway laws and regulations regarding the operation of motor vehicles; and
- h. Any and all other acts of negligence, recklessness and fault as will be shown at the trial of this matter.

5.

At all material times herein, and at the time of the collision which is the subject of this lawsuit, Noel G. Mullins was acting within the course and scope of his employment with Family Dollar Stores, Inc. and Dollar Tree Stores, Inc. Further and/or in the alternative, at the time of the aforesaid collision, Noel G. Mullins was operating on an errand for, and acting as an agent of Family Dollar Stores, Inc. and Dollar Tree Stores, Inc. As a result of this employment relationship and master/servant relationship, Family Dollar Stores, Inc. and Dollar Tree Stores, Inc. are vicariously liable for the negligent acts and omissions committed by their employee, Noel G. Mullins, as further described herein. Further, Family Dollar Stores, Inc. and Dollar Tree Stores, Inc. are independently liable for their negligent hiring, training and supervision of their driver.

6.

As a result of the aforesaid collision, plaintiff suffered injuries and losses for which plaintiff seeks all reasonable past and future damages from the defendants, including, but not limited to physical pain and suffering, past and future medical expenses, past and future disability, mental anguish and emotional distress, loss of the enjoyment of life, loss of wages and/or earning capacity, loss of use, property damage and related expenses, punitive damages to the extent allowed by law, and all other damages as may be assessed following a trial of this matter.

7.

Plaintiff is entitled to a trial by jury and respectfully requests a trial by jury on all issues raised herein.

WHEREFORE, plaintiff, Ernzt Pierre-Louis, prays that defendants, Family Dollar Stores,

Inc., Dollar Tree Stores, Inc. and Noel G. Mullins, be served with a copy of this Complaint and after being duly summoned to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that there be trial by jury, individual judgment rendered herein in favor of plaintiff, and against the defendants, for any and all damages, as alleged, together with legal interest and for all costs of these proceedings including expert witness fees to be taxed as costs of court, and for all legal and equitable relief this Honorable Court shall deem appropriate.

RESPECTFULLY SUBMITTED, this 22nd day of February, 2019.

SILBERT, PITRE & FRIEDMAN



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